

### **REMARKS**

This amendment is responsive to the Office Action mailed February 24, 2005 in connection with the above-identified patent application. In that Action, claims 37, 38, and 39 were allowed. Also, claims 8-11, 13, 31-33, and 36 were merely objected to as being dependent upon a rejected base claim but were indicated as containing allowable subject matter. Claims 1-7, 12, 14-30, 34, and 35 were rejected.

Turning to the Office Action in greater detail, claims 1-5, 17-20, and 21-29 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1, 17, 30, and 34 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,671,904 to Easterling. Claims 21 and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,983,426 to Vanek. Claims 6, 7, 12, 14, 15, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,754,997 to Lussi, in view of Easterling. Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable of Lussi in view of Easterling and further in view of U.S. Patent No. 4,506,872 to Westerberg. Lastly, claims 22-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Vanek in view of Easterling.

### **THE NON-ART REJECTIONS**

As noted above, claims 1-5, 17-20, and 21-29 were rejected under 35 U.S.C. § 112, second paragraph. With regard to independent claim 1, the Examiner took the position that the preamble states that the support table includes a substantially planar top and bottom surface but that the first paragraph states that the support table comprises an interface having a non-planar first connection area defined by the top surface of the support table. The Examiner made an inquiry on how a non-planar area can be defined by a planar surface. Similar observations and inquiries were made with regard to independent claims 17 and 21 as well as in connection with dependent claims 26, 27, and 29 as well.

Although applicants do not agree with the Examiner's rejection of independent claims 1, 17, 21 and dependent claims 26, 27, and 29, amendments were tendered nevertheless in order to clarify the recited subject matter for the Examiner. More particularly, an amendment has been tendered in connection with independent claim 1 to recite a non-planar first connection area defined by a first portion of the top surface of the support table. Also, the second element was amended to recite a second

connection area defined by a second portion of the table and shaped to provide a third supporting force. It is to be pointed out that the preamble of independent claim 1 previously recited a substantially planar top and bottom surface in the radiolucent patient support table, the surface is being held apart in an opposed relationship. The preamble does not recite that the top and bottom surfaces are "entirely" planar or "wholly" planar as the Examiner's interpretation would seem to indicate. In any case, applicants have tendered an amendment to the elements of claim 1 in order to specifically recite that the non-planar first connection area and the second connection area are defined by respective first and second portions of the support table.

Similar to the above, applicants have tendered an amendment to independent claim 17 to recite the first connection area being defined by a first portion of the top surface of the support table and, similarly, the second connection area being defined by a second portion of the table. The preamble in independent claim 17 was amended as well to recite the radiolucent patient support table including substantially flat top and bottom surfaces held apart in an opposed relationship. Applicants do not intend to limit the claim language to recite that the top and/or bottom surfaces are entirely or wholly flat.

Further, independent claim 21 was amended to recite the groove being defined by a portion of the upper surface of the table top and the ridge being defined by a portion of the lower surface of the table top.

Dependent claim 26 was amended to delete the structure forming the bight area of the support interface thought by the Examiner to be unclear. More particularly, the language "formed by the upper surface of the table top" has been deleted from claim 26.

In claim 29, the groove element has been amended to being formed by said portion of the upper surface of the table top. This claim has been amended to use language which is consistent with independent claim 21.

For at least the above reasons, it is respectfully submitted that all pending claims as amended above are definite and particularly point out and distinctly claim the subject matter which applicants regard as the invention. All pending claims are therefore allowable under 35 U.S.C. § 112.

Allowance of all claims is respectfully requested.

### **THE ART REJECTIONS**

As noted above, claims 1, 17, 30, and 34 were rejected as being anticipated by U.S. Patent No. 6,671,904 to Easterling. Also, claims 21 and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,983,426 to Vanek. Claims 6, 7, 12, 14, 15, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,754,997 to Lussi, in view of Easterling. Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable of Lussi in view of Easterling and further in view of U.S. Patent No. 4,506,872 to Westerberg. Lastly, claims 22-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vanek in view of Easterling.

#### **The Easterling Patent:**

Applicants have tendered a Declaration under 37 C.F.R. § 1.131 to remove the Easterling '904 patent as a reference. As the Examiner will see, the invention recited in the rejected claims was completed in this country by the inventors before the effective date of the Easterling patent, that is, was completed in this country at a date at least prior to October 30, 2000.

Thus, the rejections of the pending claims over the Easterling '904 patent above and in combination with other prior art teachings should be withdrawn.

#### **The Vanek Patent:**

Also in the Office Action, claims 21 and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,983,426 to Vanek. Applicants do not agree with the Examiner's interpretation of the Vanek '426 patent as teaching a table top, a groove, and a ridge all capable of performing the function of supporting an associated medical appliance relative to the table. Nevertheless, for purposes of clarity and to advance prosecution in this matter, applicants have tendered an amendment to independent claim 21 to more particularly recite the structure of the ridge defined by a portion of the lower surface of the table top. More particularly, the ridge is disposed at a lower edge of the table top defined by the lower surface and extends beyond the substantially flat lower surface of the table top. At best, the flat side surface 14 identified by the Examiner in the Office Action as being a "ridge" does not extend

beyond a substantially lower surface of the table of the Vanek '426 structure illustrated.

In applicants' application claim 2, the ridge extending beyond the lower surface of the table top has advantageous results not achievable in the prior art of record. These advantages are set out in the specification of the instant application.

For at least the above reasons, it is respectfully requested that all rejections over prior art references be withdrawn. It is submitted that all pending claims are patentably distinct and unobvious over the references of record and that the enclosed Declaration effectively removes the Easterling '904 patent as a reference.

**CONCLUSION**


In view of the above amendments, comments, and arguments presented, applicants respectfully submit that all pending claims are patentably distinct and unobvious over the art of record.

Allowance of all pending claims and early notice to that effect is respectfully requested.

Respectfully submitted,

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May 24, 2005  
Date

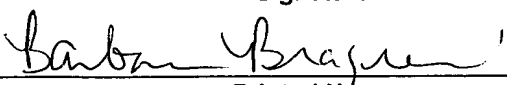
  
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